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For distribution. Re: Sept 8 W/S on hte section 303(d) listing policy.

>>> "Moore, David" <David.Moore@WestonSolutions.com> Friday, August 27, 2004 >>>
Mr. Wilson

While we share the general concern expressed by the IEA and others regarding the lack of specific information regarding the implementation of a weight of evidence approach in making 303d listing/delisting decisions as outlined in the current policy document we fully support the use of such an approach in principal. A critical component of this weight of evidence is the consideration of toxicity and other biological data, although it has been suggested by some that the state should forgo consideration of toxicity data in favor of chemistry alone, we strongly disagree with such a position. It is our understanding that the 303d listing process is to identify water bodies that are impaired for a designated beneficial use. Many of the current designated beneficial uses relate to the ability of a water body to support healthy aquatic communities. Whether or not a particular contaminant or pollutant can be measured in a water body is not in of itself an indication of impairment. Years of research have been devoted to the topic of using chemistry to predict impacts in the environment and the resounding conclusion has been that chemistry in of itself is only marginally useful as a consequence of the many other factors that can control bioavailability (and therefore the effects of the contaminants). In addition, standard analyte lists include only a limited subset of chemicals (i.e., generally a few metals, PAHs, and some chlorinated organics); many of the pesticides included on standard analyte lists have not been in use for many years and newly emerging contaminants of concern (i.e., PBDEs) are generally not included. Consequently, a reliance on chemistry alone or even using chemistry as the primary indication of impairment will likely result in missing potentially impaired water bodies. By using multiple lines of evidence and including forensic approaches such as TIEs and other procedures it is possible to establish: 1) whether a potential impairment exist and 2) delineate the potential causes of that impairment. Therefore we strongly support the use of toxicity within a clearly defined weight of evidence approach relying on multiple lines of evidence (including chemistry, toxicity, and other data) to support listing/delisting decisions. Please contact me should you have any questions regarding our comments, thank you for your consideration.

Sincerely,

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